



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
MAY 9 2019

2019 MAY -9 PM 3:47

Ethan Andrew Way
Way Law Firm, P.A.
1020 E. LaFayette Street, Suite 112
Tallahassee, FL 32301

MAY - 9 2019

RE: MUR 7462
Robert Bruce Rackleff
Bob Rackleff Campaign Committee
and Mary Esther Moring, as treasurer

Dear Mr. Way:

On August 9, 2018, the Federal Election Commission ("Commission") notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On May 1, 2019, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that the Robert Bruce Rackleff, Bob Rackleff Campaign Committee, and Mary Esther Moring, in her official capacity as treasurer, violated provisions of the Act. The Commission then closed its file in this matter. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure:
General Counsel's Report

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BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7462

Respondents: Bob Rackleff Campaign Committee
and Mary Esther Moring, as Treasurer
("the Committee")
Robert Rackleff¹

Complaint Receipt Date: August 7, 2018

Response Date: September 11, 2018

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. § 30104(b)(8);
11 C.F.R. §§ 104.3(d), 104.11(a)-(b), 116.10(a)**

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The Complaint alleges that the Committee failed to pay Complainant an agreed upon \$16,000 monthly retainer for media consulting services that were rendered to the campaign, which resulted in an illegal, excessive in-kind contribution to the Committee.² The Response asserts that the Committee does not owe the \$16,000 claimed by Complainant.³ The Response explains that Complainant was terminated from her role in the campaign in May 2018, and states that Rackleff told Complainant at that time he would make a final payment of \$3,000, in addition to \$28,000 that had been previously paid.⁴

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These

¹ Bob Rackleff was a candidate in the 2018 election for Florida's second congressional district. He won the August 28, 2018, primary election, and lost in the November 6, 2018, general election.

² Compl. at 1 (August 7, 2018).

³ Resp. at 2 (September 11, 2018).

⁴ Resp. at 1. Reports filed with the Commission indicate the Committee paid Complainant a total of \$41,010 between July 2017 and May 2018. The Committee, however, has not disclosed any disputed debts claimed by the Complainant on Schedule D of its Campaign Finance Reports filed with the Commission. The amount of undisclosed disputed debt does not reach a referral threshold for either the Office of General Counsel or the Office of Alternative Dispute Resolution. See 2017-2018 RAD Review and Referral Procedures (Standard 7).

criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, and the low dollar amount, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.⁵ We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

4/18/19

Date

Lisa J. Stevenson
Acting General Counsel

BY:

Charles Kitcher by *Jeff*

Charles Kitcher
Acting Associate General Counsel

Jeff S. Jordan

Jeff S. Jordan
Assistant General Counsel

Donald E. Campbell

Donald E. Campbell
Attorney

⁵ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).